

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM S. SHEETZ and JEFFREY FRELICH

Appeal No. 2000-0067
Application No. 08/561,570

ON BRIEF

Before KIMLIN, GARRIS and PAK, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 11-22, all the claims remaining in the present application.

Claim 11 is illustrative:

11. A method of fabricating a cushion assembly comprising an outermost trim layer, a foam cushion, and an intermediate adhesive layer which bonds said foam cushion and said trim, said method comprising:

- a) providing a contoured mold surface;

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- b) placing said trim layer over said contoured mold surface;
- c) placing an air impervious adhesive film over said trim layer;
- d) providing a contoured foam cushion;
- e) applying a solvent to at least one of said adhesive film or said foam cushion;
- f) placing said foam cushion onto said adhesive film;
and
- g) compressing said foam cushion against said adhesive film to bond said trim to said foam cushion,

wherein the bond formed in step g) is formed without direct application of heat.

In addition to the admitted prior art found in appellants' specification, the examiner relies upon the following references as evidence of obviousness:

Dandridge (Patent Specification)	817,293	Jul. 29, 1959
Kozlowski et al. (Kozlowski)	4,692,199	Sep. 8, 1987

Appellants' claimed invention is directed to a method of molding a cushion assembly comprising an adhesive layer that is intermediate a foam cushion and an outermost trim layer. A solvent is applied to either the adhesive or the foam cushion before the assembly is compressed in the mold to bond the trim to the cushion, and the bonding is formed without direct

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application of heat. According to appellants' specification, the problem with using heat in such a molding process is that the heat may damage a trim layer made of leather or the like (see page 2, third paragraph).

Appealed claims 11-18 and 20-22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kozlowski in view of Dandridge. Claims 19 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kozlowski in view of Dandridge and the prior art admission in appellants' specification.

Upon careful consideration of the opposing arguments presented on appeal, we will not sustain the examiner's rejections.

Kozlowski, the primary reference in each of the examiner's rejections, discloses a method much like that claimed for fabricating a cushion assembly. The essential difference between the methods of Kozlowski and appellants is that Kozlowski specifically provides heat to adhesively bond the cushion assembly rather than applying a solvent, as presently claimed. Kozlowski provides no teaching or suggestion of employing solvent application either in

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conjunction with or in lieu of the step of supplying heat. To remedy this deficiency of Kozlowski, the examiner relies upon Dandridge as evidence that it was known in the art to adhere a fabric to a porous substrate by interposing a solvent-activated thermoplastic adhesive. However, Dandridge provides no evidence that it was known in the art to utilize solvent bonding in a molding process, in general, let alone any molding process for fabricating a cushion assembly. Nor has the examiner presented any evidence that it was known in the art that heat bonding and solvent bonding are generally equivalent and interchangeable.

The prior art admission relied upon by the examiner in the rejection of claims 19 and 20, which entails a known polyamide adhesive with phenolic nitrile, does not remedy the deficiency of the combined teachings of Kozlowski and Dandridge discussed above.

In conclusion, based on the present record, we are constrained to reverse the examiner's rejections.

REVERSED

EDWARD C. KIMLIN)
Administrative Patent Judge)

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